

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LUIS RIVERA,
Petitioner,

v.

SUPERINTENDENT OF
SCI-HUNTINGTON, et al.,
Respondents.

:
:
:
:
:
:
:
:

CIVIL ACTION

NO. 09-4361

ORDER

AND NOW, this 1st day of July, 2010, upon consideration of the petition for a writ of habeas corpus, Respondents' answer, the record of the state court proceedings, and the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED AND ADOPTED**;
2. The petition for a writ of habeas corpus is **DENIED**;
3. A certificate of appealability **SHALL NOT** issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and
4. The Clerk of Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:


HARVEY BARFLE, III, J.